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Via CM/ECF Only

April 2, 2025

Hon. Jessica G.L. Clarke, U.S.D.J.
U.S. District Court, Southern District of N.Y.
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Diamond Tucker Street Properties, LLC. v. Pupovic
Docket No.: 7:24-cv-08373-JGLC

Dear Judge Clarke:

My law firm represents Defendants, Karen and Ismet Pupovic (“the Pupovics”) in the above-referenced action. I write in response to Plaintiff’s letter motion filed on March 30, 2025 requesting that all proceedings in this case be stayed pending the outcome of motion practice in a case involving the parties, here, which is pending in U.S. District Court for the District of Connecticut. In that case, which was removed by Plaintiff and additional defendants to federal court following entry of a judgment against them in Connecticut Superior Court, Plaintiff has moved to vacate a default judgment entered against it/them in Connecticut Superior Court. (The title of the case and the docket number were cited by Plaintiff’s counsel in his letter.) The Pupovics have opposed that motion and have moved to remand that case to state court. To the best of our knowledge, no decision has been made by the Connecticut District Court on those pending motions.

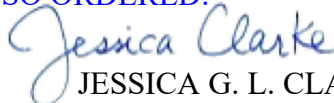
The Pupovics have no objection to Plaintiff’s request for a stay of all proceedings in this action, so long as their rights are preserved to a) oppose Plaintiff’s pending motion in this Court to strike the Pupovics’ third affirmative defense that this lawsuit is barred by the doctrines of collateral estoppel and/or *res judicata*, and b) file an appropriate cross-motion to dismiss the Complaint on this and other grounds.

Likewise, our clients do not object to Plaintiff’s request to stay proceedings in this Court so long as Defendants will have the right to fully engage in disclosure and related proceedings if and when this case is reactivated. (A Case Management Order was signed by Your Honor last week. Disclosure has not commenced and no deadline must be met until April 14, 2025.)

On March 30, 2025, Plaintiff requested a stay of this action in its entirety. ECF No. 21. The Court ordered Defendant to respond to Plaintiff’s request, ECF No. 22, and on April 2, 2025, Defendant similarly requested a stay of all proceedings. ECF No. 23. Accordingly, the action is STAYED in its entirety pending the resolution of the action involving the parties in the U.S. District Court for the District of Connecticut. The parties shall promptly (within seven days) inform the Court upon the completion of the Connecticut proceedings. The Clerk of Court is respectfully directed to terminate ECF No. 21 and stay this case.

Dated: April 3, 2025
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Respectfully submitted,

/s/

MARK A. RUBEO, JR.

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